

REMARKS

The Office Action dated October 2, 2006 has been carefully considered. Claims 1, 27 and 32-35 have been amended. Claims 1-36 are in this application.

Claim 1 has been amended to add the limitation that the stent is adapted to be locatable around and in morphological relationship to the ascending aorta. Support for this amendment is found throughout the specification and in particular on page 1, lines 6-8 and page 4, lines 26-29. No new matter has been added.

Claims 32-35 were objected to as being dependent on a rejected claim but would be allowed if rewritten in independent form. Claims 32-35 are rewritten in independent form. Accordingly, claims 32-35 are considered to be allowable.

The previously presented claims 1, 2, 4-10, 15, 16, 18-20, and 24-26 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,648,911 to Sirhan et al. Applicants submit that the teachings of this reference do not disclose or suggest the invention defined by the present claims.

Sirhan et al. describe a method and device for treatment of a vulnerable tissue site. The vulnerable tissue site is described as arterial and other aneurysms. Col. 2, lines 16-18. Other vulnerable tissue sites include neurovascular aneurysms, veins, vein grafts and expanded or thyroid tissues or various organs and body surfaces. Col. 2, lines 25-28. However, Sirhan et al. do not teach or suggest a stent adapted for locating exteriorly of an ascending aorta. Further, Sirhan et al. do not teach or suggest that the stent is locatable around and in morphological relationship with the ascending aorta. Rather, Sirhan et al. teaches structures for treatment of a blood vessel. There is no teaching or suggestion in Sirhan et al. that the stent structure could be used at a treatment site of the ascending aorta and that the structure is formed in a manner to be locatable around and in morphological relationship with the ascending aorta. Accordingly, Sirhan et al. do not teach all the features of the present claims and the invention defined by amended claim 1 is not anticipated by Sirhan et al.

Dependent claims 2, 4-10, 15, 16, 18-22 and 24-26 which are dependent on claim 1 are believed to be allowable for the same reasons that claim 1 is allowable.

With regard to claim 6, Sirhan et al. do not teach or suggest that the stent for location in the ascending aorta is formed of two parts of a sleeve interconnected by a hinge mechanism with reclosable latches provided at the matching edges of the points.

Claim 17 was rejected under 35 U.S.C. § 103 as obvious in view of Sirhan et al.

As described above, However, Sirhan et al. do not teach or suggest a stent adapted for location exteriorly of an ascending aorta and in morphological relationship with the ascending aorta. Nowhere is it disclosed or suggested in Sirhan et al. that the stent could be used at the treatment site of the ascending aorta. Rather, Sirhan et al. teach treatment for blood vessels. Applicants submit that one of ordinary skill in the art would not use the stent of Sirhan et al. for use in the ascending aorta. Accordingly, the invention defined by the present claims is not obvious in view of Sirhan et al.

Claims 3, 11, and 12 were rejected under 35 U.S.C. § 103 as obvious in view of Sirhan et al. in combination with U.S. Patent No. 5,476,471 to Shifrin et al.

Shifrin et al. describe a device and method for external correction of insufficient valves in venous junctions. Col. 2 lines 22-3. The compression device has a band encompassing at least two veins of the junction. Col. 2 line 27.

In contrast to the invention defined by the present claims, Shifrin et al. do not teach or suggest a stent for location exteriorly of an ascending aorta and in morphological relationship with the ascending aorta. Instead, Shifrin et al. is directed to a device for correction of insufficient valves in venous junctions and the structures could not be used for location in the ascending aorta. Accordingly, Shifrin et al. do not cure the deficiencies of Sirhan et al. described above and the invention defined by the present claims is not obvious in view of Sirhan et al. alone or in combination with Shifrin et al.

Claims 13 and 14 were rejected under 35 U.S.C. § 103 as obvious in view of Sirhan et al. in combination with U.S. Patent No. 6,554,856 to Doorly et al.

Doorly et al. disclose a stent for supporting arterial or venous grafts. Col. 1 lines 3-4. The stent includes a supporting portion around which or within which part of a blood vessel intended for grafting can be placed so that the stent supports that part and the supporting portion

is of a shape and/or orientation whereby flow between the graft and host vessel is caused to follow a non-planar curve. Col. 1 lines 28-34.

In contrast to the invention defined by the present claims, Doorly et al. do not teach or suggest a stent locatable around an ascending aorta and in morphological relationship with the ascending aorta. Rather, Doorly et al. is directed to a stent for supporting a blood vessel graft and there is no teaching or suggestion that the structure can be used in the location of the ascending aorta. Accordingly, Doorly et al. do not cure the deficiencies of Sirhan et al. described above and the invention defined by the present claims is not obvious in view of Sirhan et al. alone or in combination with Doorly et al.

Claim 23 was rejected under 35 U.S.C. § 103 as obvious in view of Sirhan et al. in combination with U.S. Patent Application Publication No. 2002/0103527 to Kocur et al.

Kocur et al. disclose a stent for implantation into a body lumen such as blood vessels, urinary tract, coronary vasculature, esophagus, trachea, colon and biliary tract. A tube or mandrel is covered with a covering material. The tube has two open ends.

In contrast to the invention defined by the present claims, Kocur et al. do not teach or suggest a stent adapted for location exteriorly of an ascending aorta and in morphological relationship with the ascending aorta. Instead, Kocur et al. is directed for use in a body lumen such as a blood vessel and there is no teaching or suggestion that the structure could be used in the location of the ascending aorta. Accordingly, Kocur et al. do not cure the deficiencies of Sirhan et al. described above and the invention defined by the present claims is not obvious in view of Sirhan et al. alone or in combination with Kocur et al.

Claims 27-31 and 36 were rejected under 35 U.S.C. § 103 as obvious in view of Sirhan et al. in combination with U.S. Patent No. 6,112,109 to D'Urso.

In the Office Action, the Examiner states that D'Urso teaches a method of manufacturing a stent. There is no such teaching in D'Urso. Instead, D'Urso teaches a method for stereolithographic construction of models including prostheses; see col. 4, lines 5-33. From col. 8, lines 44-46, it is clear that prosthetic implant 17 replaces an aortic junction. D'Urso does not teach or suggest a stent adapted for locating exteriorly of an ascending aorta and in morphological relationship with the ascending aorta. Accordingly, D'Urso does not teach or

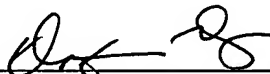
suggest not teach or suggest a stent adapted for locating exteriorly of an ascending aorta and in morphological relationship with the ascending aorta.

Furthermore, there would be no motivation for a skilled person to combine the teachings of Sirhan et al. and D'Urso because they are teachings in unrelated technical fields. The stent of Sirhan et al. is designed to support rather than replace a vulnerable tissue site. In contrast, D'Urso teaches replacing an aortic junction. Even if a person skilled in the art had combined their teachings, it would not have been obvious how to do this to arrive at the present invention because D'Urso requires replacement of damaged tissue, not locating a stent exteriorly of damaged tissue. Thus, claims 27-31 and 36 are not obvious in view of Sirhan et al. in combination with D'Urso.

In view of the foregoing, Applicants submit that all pending claims are in condition for allowance and request that all claims be allowed. The Examiner is invited to contact the undersigned should he believe that this would expedite prosecution of this application. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

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